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10
11 UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

12 DAYMON JOHNSON,

13 *Plaintiff,*

14 v.

15 STEVE WATKIN, et al.,

16 *Defendants.*

Case No.: 1:23-cv-00848-ADA-CDB

17
18 LOREN PALSGAARD, et al.,

19 *Plaintiff,*

20 v.

21 SONYA CHRISTIAN, et al.,

22 *Defendants.*

Case No.: 1:23-cv-01228-SAB

23
24 NOTICE OF RELATED CASE

25 In accordance with Local Rule 123, Plaintiff in *Johnson v. Watkin*, 1:23-cv-00848-ADA-
26 CDB, Daymon Johnson, hereby provides notice that his case is related to *Palsgaard v. Christian*,
27 1:23-cv-1228-SAB.
28

1 The cases involve identical facial constitutional claims against the same state official in her
2 official capacity. LR 123(a)(1). The cases involve similar questions of fact and the same questions
3 of law, such that their assignment to the same Judge or Magistrate Judge is likely to provide a
4 substantial savings of judicial effort, either because the same result should follow in both actions or
5 otherwise. LR 123(a)(3). Assignment of these cases to different Judges or Magistrate Judges would
6 entail substantial duplication of labor. LR 123(a)(4).

7 *Background:*

8 California's community college system has adopted "diversity" and "anti-racism" as an
9 official ideology. Cal. Code of Regs., tit. 5, §§ 51200, 51201. State officials have now promulgated
10 additional regulations within Title 5 of the California Code of Regulations to implement and
11 mandate faculty compliance with this ideology. Section 53425 mandates that faculty obey local
12 "DEIA" (diversity, equity, inclusion, accessibility) policies, which "shall" be based on
13 "competencies and criteria" maintained by the state's Chancellor, Section 53601(b). Section 53602
14 mandates that community colleges evaluate faculty performance based on their DEIA compliance.
15 Faculty "must have or establish proficiency in DEIA-related performance to teach, work, or lead
16 within California community colleges." *Id.* § 53602(b). And Section 53605 provides that "[f]aculty
17 members shall employ teaching, learning, and professional practices that reflect DEIA and anti-
18 racist principles."

19 *The cases:*

20 Plaintiff Johnson is a professor at Bakersfield College, part of the Kern Community College
21 District. The *Palsgaard* plaintiffs are professors at colleges within the State Center Community
22 College District. There are some differences between the cases as would be expected given that they
23 arise in different community college districts, but both cases make the same basic point: that
24 California Community Colleges' DEIA and anti-racism ideological mandates violate the faculty's
25 First Amendment rights. And both cases take issue with the Chancellor's competencies and criteria.

26 Accordingly, both lawsuits name California Community Colleges Chancellor Sonya
27 Christian, in her official capacity, facially challenging the constitutionality of Cal. Code of Regs.,
28

1 tit. 5, §§ 53425, 53601, 53602, and 53605, for engaging in viewpoint discrimination and for
2 compelling speech in violation of the First Amendment. Compare *Johnson*, First Amended
3 Complaint, counts IV and V, with *Palsgaard* Complaint, counts I and III.¹

4 Considering that California Community Colleges is comprised of 116 colleges within 73
5 districts, it would not be surprising if additional such cases were to arise. But for now, at least, these
6 two cases are related.

7 Dated: August 18, 2023

Respectfully submitted,

8
9 By: /s/ Alan Gura

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28 ¹ Johnson also challenges Sections 51200 and 51201, and the Chancellor's competencies and criteria.